

## **REMARKS**

This Preliminary Amendment is submitted in response to a Notice of Noncompliance, which was mailed from the PTO on July 20, 2004. According to the Notice, the Preliminary Amendment (filed by a previous representative) failed to comply with the appropriate rules, because the listing of claims did not include the text of all claims. The listing of claims has been provided hereinabove.

Claims 1-24 (which were prosecuted in the parent application) have been canceled, and claims 25-28 (which were restricted from the parent application) are retained herein for prosecution.

### **No Extension Required**

The Notice of Noncompliance carried a due date of 1 month from the date of its mailing (July 20, 2004), and this Preliminary Amendment is being submitted outside of that time period. However, the consequence of failing to respond to the Notice within the 1 month due period, is simply that the examination on the merits will commence, without consideration of the prior Preliminary Amendment. In such a case (since no substantive amendments are made to the claims), then claims 1-24 would simply be subject (potentially) to a double-patenting rejection, with claims 25-28 being examined and given full consideration. Therefore, the undersigned submits that entry of this Preliminary Amendment is in the best interest of the expediency of the examination of this application.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No additional fee is believed to be due in connection with this Preliminary Amendment (beyond that provided in the accompanying credit card authorization form). If, however, any additional fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel R. McClure', written over a horizontal line.

Daniel R. McClure  
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